

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**TESLA, INC.,**

Plaintiff,

vs.

**CAP-XX, LTD.**

Defendants.

---

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CASE NO. 2:23-cv-00334-JRG**

**JOINT MOTION TO DISMISS WITHOUT PREJUDICE**

Plaintiff Tesla, Inc. and Defendant CAP-XX, Ltd. have agreed to settle the above matter, and therefore jointly stipulate under Federal Rule of Civil Procedure 41(a)(2) to dismiss *without prejudice* all claims and counterclaims between the parties.

Accordingly, Tesla and CAP-XX move the Court to dismiss *without prejudice* all claims and counterclaims between the parties, with each party bearing their own attorneys' fees, expenses, and costs. All other relief requested between the parties should be denied as moot.

Dated: May 1, 2024

Respectfully submitted,

/s/ Melissa R. Smith

Ruffin B. Cordell

cordell@fr.com

Daniel R. Gopenko

gopenko@fr.com

**FISH & RICHARDSON P.C.**

1000 Maine Avenue, SW, Suite 1000

Washington, DC 20024

Telephone: (202) 783-5070

Matthew Colvin

colvin@fr.com

**FISH & RICHARDSON P.C.**

1717 Main Street, Suite 5000

Dallas, Texas 75201

Telephone: (214) 747-5070

Aamir A. Kazi (*pro hac vice* to be filed)

kazi@fr.com

**FISH & RICHARDSON P.C.**

1180 Peachtree Street NE, 21st Floor

Atlanta, GA 30309

Telephone: (404) 892-5005

Melissa Smith

melissa@gillamsmith.com

**GILLAM & SMITH, LLP**

303 South Washington Ave.

Marshall, Texas 75670

Telephone: (903) 934-8450

Facsimile: (903) 934-9257

*Attorneys for Tesla, Inc.*

/s/ Jennifer L. Truelove

Ryan Beard

Highland Park Place

4514 Cole Avenue, #600

Dallas, TX 75205

Ryan.beard@fisherbroyles.com

**FISHERBROYLES**

Telephone: 512.577.2673

Adam Yowell  
5470 Kietzke Ln, #300  
Reno, NV 89511  
Adam.yowell@fisherbroyles.com  
**FISHERBROYLES**  
Telephone: 775.230.7364

Alastair J. Warr (Ind. Bar #15873-49)  
203 North LaSalle Street, Suite 2100  
Chicago, IL 60601  
Alastair.warr@fisherbroyles.com  
**FISHERBROYLES**  
Telephone: 317.407.5260

Jennifer L. Truelove  
Texas State Bar No. 24012906  
jtruelove@mckoolsmith.com  
**MCKOOL SMITH, P.C.**  
104 East Houston Street Suite 300  
Marshall, TX 75670  
Telephone: (903) 923-9000  
Facsimile: (903) 923-9099

*Attorneys for CAP-XX, Ltd.*

**CERTIFICATE OF CONFERENCE**

I hereby certify that counsel have complied with the meet and confer requirement in Local Rule CV-7(h) and this Court's Orders and that all parties join in this motion.

/s/ Melissa Smith

Melissa Smith

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on May 1, 2024 on all counsel who have consented to electronic service.

/s/ Melissa Smith

Melissa Smith